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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,099	07/30/1999	RENATO CARETTA	07040.0041	8940

22852 7590 05/13/2002

FINNEGAN, HENDERSON, FARABOW, GARRETT &  
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WASHINGTON, DC 20005

EXAMINER
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KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 05/13/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-12

<b>Office Action Summary</b>	Application No. 09/364,099	Applicant(s) CARETTA, RENATO	
	Examiner Geoffrey L. Knable	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11</u> . | 6) <input type="checkbox"/> Other: _____.                                   |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 43, 59 and 60 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Iseki (US 5,419,384) or Alderfer (US 3,826,297) as applied in the last office action.

As to the claimed annular reinforcing structures, it is again submitted that since beads with fillers are clearly shown/taught in the references, the claimed requirements for annular reinforcing structures are satisfied. In other words, as is well known in this art, a normal and typical tire bead is certainly annular and further is formed as a continuous winding on an annular core or mandrel and thus would clearly necessarily have an "elongated element" in "concentric coils" as claimed (the windings or coils clearly share a common center or are "concentric" as they are wound about a common form or mandrel). The lack of any details of the bead/filler construction further would have certainly suggested to the ordinary artisan reading these references that normal and typical tire beads are used (or should be used), the claimed requirements thus being implicit or certainly obvious from these disclosures.

3. Claims 43-49 and 56-60 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Frazier (US 3,240,250) as applied in the last office action.

Note again that beads with fillers are clearly shown or certainly obvious from the depictions in the reference and the well known and conventional nature of using beads and fillers in tires, these corresponding to the claimed annular reinforcing structures

(note also the discussion in the previous paragraph elaborating on why the typical tire bead satisfies the claimed requirements).

4. Claims 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frazier (US 3,240,250) as applied in the last office action.

Claims 43, 48 and 50-60 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over EP 928,702 to Caretta et al. as applied in the last office action.

5. **Note:** The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA § 102(e)).

6. With issuance of US 6,328,084 from application number 09/221603, the provisional rejections over this application made in the last office action have been converted to rejections over this US patent as follows.

7. Claims 43, 48 and 50-60 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Caretta et al. (US 6,328,084) as applied in the last office action (with respect to application number 09/221603).

8. Applicant's arguments filed 2-25-02 have been fully considered but they are not persuasive.

Applicant has argued with respect to Iseki, Frazier and Alderfer that the claimed construction is "significantly different from prior art tyre beads typically formed of multiple layers of bead wire both in the radial direction and the axial direction" (emphasis in original). While it is not disputed that prior art or typical tire beads are formed from multiple layers of bead wires and that such beads are typically more than one wire wide (i.e. in the axial direction), it is not clear how one concludes from this that the claimed annular insert simply defined as formed from at least one elongated element extending in concentric coils is not suggested by these typical or prior art beads. First, typical or prior art beads are certainly "annular". Further, again, as is well known in this art, a normal and typical tire bead is formed as a continuous winding on an annular core or mandrel and thus would clearly necessarily have an "elongated element" in "concentric coils" as claimed (the windings or coils clearly share a common center or are "concentric" as they are wound about a common form or mandrel). Applicant's arguments that the requirements for the claimed annular insert are not suggested are therefore unpersuasive.

With respect to EP '702 and the '603 application (now US 6,328,084), applicant has pointed out that there are a "pair" of inextensible inserts 27 and 28 disclosed and thus concludes that the claimed anchoring insert is not taught or disclosed. This argument is not understood as there is nothing apparent in the present claims that defines over the inclusion of a "pair" of coiled inserts in the bead. This argument is thus likewise unpersuasive and this rejection will likewise be maintained.

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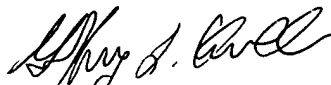
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 703-308-2062. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
May 12, 2002